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SECSTATE FOR L/DL - CAROL LIGHT, DS/DSS/IP, DS/PSP/PSD,
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HOLLIS; LONDON FOR DOJ REPRESENTATIVE - DONNA C, MAIZEL;
EUR/EX FOR JOEL DANIES

E.O. 12958: N/A

TAGS: ASEC ABLD AMGT TU

SUBJECT: TURKISH COURT CALLS FOR REMOVAL OF EMBASSY
EXTERNAL BOLLARD LINE

REF: A. 2004 ANKARA 05172

1B. 2004 STATE 37111

1C. 2004 ANKARA 506

11. SUMMARY: Embassy's perimeter is enhanced with a line of concrete bollards along the sidewalk. In response to civil litigation, an administrative court in Ankara has ruled that the bollards must be removed and the Court is insisting the Municipality take immediate steps to comply. We have convinced the MFA to intervene with the Municipal authorities to forestall immediate action, and have expressed a willingness to engage in a consultative process with the Municipality, the Justice Ministry and the MFA. END SUMMARY

12. In 2004 Embassy constructed a bollard line around much of the chancery compound perimeter, in the aftermath of the 2003 Istanbul bombings. This action was undertaken with full GOT and Municipal approval (reftels). A Turkish citizen then filed a lawsuit against the Ankara municipal government in 2005, claiming the bollards were an impediment to pedestrian traffic and caused visual pollution. In December 2005 the 12th Administrative Court of Ankara decided in favor of the plaintiff and ordered the Ankara municipal government to remove the bollards. The decision was appealed to the 8th Council of State Court, who decreed in December 2006 that the 12th Administrative Court's decision should not be implemented and a panel of experts should be convened to review the original claims. Though no such panel has yet been convened, the 12th Administrative Court is now demanding that the Ankara city government immediately move ahead with removal of the bollards, in spite of the appeal.

13. On July 23, 2007, a team from the Ankara Municipality appeared outside the Embassy to begin removal of the bollards along one street (Ataturk Boulevard). Upon a verbal appeal from the Embassy, the team's manager agreed to delay implementation of his orders. However, on August 3, Embassy was warned by municipal officials that workers might appear early the following week to begin removal work on the bollard line. Embassy responded with a series of conversations with MFA and Municipality officials outlining security concerns, emphasizing MFA's responsibilities in dealing effectively with the issue, and calling upon them to ensure that "destruction" work did not ensue.

In an August 6 meeting with MFA Under Secretary (M equivalent) Urdogan, Charge reiterated Embassy position and proposed that a consultative mechanism or working group be established to address the issue, with participation from MFA, the municipality, Justice Ministry and the Embassy.

Urdogan responded positively to the proposal, and expressed a desire to work with Embassy and municipality to resolve matters, while repeating MFA's view that the court ruling and demands could not be ignored.

¶4. We are following up with MFA and Ankara Municipality to move ahead on proposed working group. Our principal objective will be to maintain the bollard line as currently configured. However, we may also proceed with a compromise arrangement for the removal of the horizontal steel connectors between the bollards, as a way to comply with the ruling while maintaining effective security for Embassy.

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